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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/071,376	02/08/2002	Nian hua Ou	01-450	1739

7590                    03/19/2003

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[REDACTED] EXAMINER

STERLING, AMY JO

[REDACTED] ART UNIT

[REDACTED] PAPER NUMBER

3632

DATE MAILED: 03/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/071,376	OU ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Amy J. Sterling	3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 08 February 2002.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-15 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 08 February 2002 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                    | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                           | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>1-5</u> . | 6) <input type="checkbox"/> Other: _____                                     |

## DETAILED ACTION

This is the first Office Action for application number 10/071376, Laminated Wood Piece and Door Containing the Same, filed on 2/08/02. Claims 1-16 are pending.

### *Information Disclosure Statement*

The information disclosure statement submitted on 2/8/02 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement has been considered by the examiner.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. Note the explanation given by the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by "such as" and then narrow language. The

Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949). In the present instance, claims 1, 2, 4, 6 and 10 recite varying broad ranges, and the claim also recites a “preferably narrower range”, which is the narrower statement of the range/limitation and is indefinite.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2 and 10-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 5546715 to Edstrom and in view of Web brochure for Buell Door, dated 2000.

The patent to Edstrom discloses a laminated wood piece having a solid hardwood component (5d) having an upper surface and a lower surface that are substantially parallel to each other and a wood composite component (5a) having layers oriented substantially parallel to the lower surface of the solid hardwood component. It

is evident from Fig. 2, that the lower grade wood has its grain running substantially parallel to the hardwood veneer layers of 5d.

Though Edstrom shows the veneer layer (5d) has much less a thickness than the lower grade wood layer (5a), the patent does not recited the specific dimensions of the embodiment or the following configurations of the stile used in a door including an additional stile member being arranged substantially parallel to the at least one stile member the additional stile member have a substantially vertical orientation, with a core, a pair of rails, and a pair of opposed doorskins, wherein at least one stile is in contact with the core.

The Buell Door Web brochure, dated 2000 shows a door with additional stile member being arranged substantially parallel to the at least one stile member the additional stile member have a substantially vertical orientation, with a core, a pair of rails, and a pair of opposed doorskins, wherein at least one stile is in contact with the core and specifically cites the thicknesses that could be used in a laminated stile or rail which include the ranges of a thickness of the solid hardwood component to a thickness of the wood composite component from about 1:1 to about 1:10, preferably from 10 about 1:2 to about 1:5, is about 0.3 cm to about 1.3 cm, preferably about 0.6 cm to about 1.1 cm, and the thickness of the wood composite component is about 0.6 cm to about 5 cm, preferably about 2.2 cm to about 3.3 cm. (See stile thicknesses and veneer thicknesses in Chart of 20 Min. Stile and Rail). This structure and dimensions are design choices, which may reduce the material costs as the higher grade wood usage is decreased and the lower grade wood is increased. Therefore, it would have been

obvious to one having ordinary skill in the art at the time the invention was made from the teachings of the Buell Door Web brochure to have built the device of Edstrom with the dimensions cited above in order to reduce material costs.

The method of claims 14-16 is inherent from the structure cited above.

Claims 3-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 5546715 to Edstrom and in view of Web brochure for Buell Door, dated 2000 and further in view of United States Patent Publication US 2003/0008110 A1 to Hsu.

Edstrom and the Buell Door brochure show the basic inventive concept as cited above and including where the width of the piece could be 3 cm to 6 cm and the length of the piece could be 120 cm to about 305 cm in length.

Edstrom and Buell Door do not specifically recite that the wood composite of lower quality wood is an oriented strand board, nor do they recite the specific properties of a screw holding strength of about 400 lbs to about 1200 lbs, a density of 35 lbs/ft<sup>2</sup> to about 48 lbs/ft<sup>2</sup>, a split resistance of greater than about 1000 lbs, where at least 90 wt% of the strands are oriented substantially parallel to the length of the laminated wood piece, with added adhesive from about 3 wt% to about 6 wt% of the overall weight and from about 1% to about 2.5% of a wax additive.

Hsu teaches oriented strand board with a screw holding strength of about 400 lbs to about 1200 lbs, a density of 35 lbs/ft<sup>2</sup> to about 48 lbs/ft<sup>2</sup>, a split resistance of greater than about 1000 lbs, where at least 90 wt% of the strands are oriented substantially parallel to the length of the laminated wood piece, with added adhesive from about

3 wt% to about 6 wt% of the overall weight and from about 1% to about 2.5% of a wax additive. (See Table 1, on page 5). These dimensions are design choices, of oriented particle board used for their strength and moisture resistant properties. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made from the teachings of the Hsu to have used an oriented strand board with the above cited dimensions in order to have the above properties.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

#### **United States Publication**

US 2002/0176960 A1 to Nadezhdin et al. shows a OSB composite boards with properties

US 2003/0008130A1 to Kaneko shows a OSB with horizontal oriented board particles

#### **United States Patents**

6487824 to West et al. does a door with stiles and rails

6295779 to Canfield shows a composite from with higher grade wood veneer and lower grade wood laminated together

5501054 to Soltis et al. shows laminated wood

5074092 to Norlander shows a laminated wood

Web Brochure Pacific Wood, shows laminated wood stiles and rails

Any inquiry concerning this communication should be directed to Amy J. Sterling at telephone number 703-308-3271. The examiner can normally be reached (M-F 8 a.m.-5:00 p.m.). If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Leslie Braun can be reached at 703-308-2156. The fax machine number for the Technology center is 703-305-3597 or 703-305-3598 (formal amendments) or 703-308-3519 (informal amendments/communications).

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist at 703-308-2168.

  
AJS  
Amy J. Sterling  
2/28/03

  
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